

Appl. No. 10/706,378
Atty. Docket No. CM2477M2D
Amdt. dated 3/20/2006
Reply to Office Action of 1/4/2006
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1-41 are pending. No amendments to the claims are presented herein.

FORMAL MATTERS

For the record, there are no objections or rejections under 35 USC 112 outstanding.

REJECTIONS UNDER 35 USC 102

All claims stand rejected as anticipated by U.S. 2002/0077264, for reasons of record at pages 3-7 of the Office Action.

All claims further stand rejected as anticipated by U.S. 2005/0049164, for reasons of record at pages 7-13 of the Office Action.

All claims additionally stand rejected as anticipated by U.S. 6,492,312, for reasons of record at pages 13-17 of the Office Action.

Applicants respectfully traverse said rejections.

At the outset, the Examiner's thorough exposition of the technology disclosed in the cited documents is acknowledged. This exposition will allow the arguments presented in support of patentability to be relatively brief.

The present invention encompasses a pouch comprising a dishwashing composition in unit dose form, said pouch having a degree of deformability greater than about 5% [and further defined by elements recited in the claims].

The documents cited in support of the rejections under §102 relate to various pouches comprising various compositions. However, nothing therein appears to recognize (much less disclose, in the sense of §102) the deformability parameter element, which constitutes part of the invention definition herein.

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The Examiner's attention is directed to the cited '49164 document at [0016] which states:

The compositions are so tightly packed [in their pouches] that the regions are fixed, whilst the compositions are still free-flowing (which can be noted when the pouch is removed).

And at [0024], which states:

The particulate components are present in the compartment such that they form fixed or immobilized regions within this compartment.

And, again at [0027], stating in relevant part:

Typically, the regions are fixed or immobilized by tightly packing the components together and ensuring that there is substantially no free head-space within the compartment which would allow the powders to move.

Simply stated, the tightly-packed pouches of '49164 would not appear from this disclosure to provide much in the way of deformability, even if deformability had been considered.

With regard to the teachings of '77264, there is again an emphasis on "tight packing and fixation of the composition" contained in the pouch. [0027]

The preferred film used to make the pouch in '77264 is stretchable, which:

... ensures that the elastic force remaining in the film after forming the pouch or closing the pouch is high enough to pack the composition tightly within the pouch ... [0028]

As in '49164 the disclosure of '77264 does not specify a deformability parameter. Indeed, the disclosure could fairly be said to be to the contrary.

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The '312 patent is likewise silent with regard to deformability. Packaging the sachets of '312 is briefly discussed at least at column 12, line 62 – column 13, line 17. However details regarding possible deformability, or not, are not provided.

As stressed in MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Citations omitted.) Moreover, the identical invention must be shown "in as complete detail as contained in the . . . claim." (emphasis supplied)

Given these MPEP guidelines, it is submitted that the cited documents do not support this rejections under §102. Reconsideration and withdrawal of the rejections are requested.

In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,

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